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BRINKS  
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& LIONE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Milan Mrksich et al.

U.S. Patent No. 7,172,905

Appln. No.: 09/923,760

Filed: August 7, 2001

For: POLYPEPTIDE IMMOBILIZATION

Attorney Docket No: 7814/45

Examiner: Mary Ceperley

Art Unit: 1641

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

- ☒ Transmittal (in duplicate); Request For Reconsideration Of Patent Term Adjustment Pursuant to 37 C.F.R. §1.705(d) (3 sheets) (in duplicate); Exhibit A (50 pages); Exhibit B (1 page)
- ☒ Return Receipt Postcard.

Fee calculation:

- ☐ No additional fee is required.
- ☐ Small Entity.
- ☐ An extension fee in an amount of \$\_\_\_\_\_ for a \_\_\_\_\_-month extension of time under 37 C.F.R. § 1.136(a).
- ☐ A petition or processing fee in an amount of \$\_\_\_\_\_ under 37 C.F.R. § 1.17(\_\_\_\_\_).
- ☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$25=			x \$50=	
Indep.		Minus			X100=			x \$200=	
First Presentation of Multiple Dep. Claim					+\$180=			+\$360=	
					Total	\$		Total	\$

Fee payment:

- ☐ A check in the amount of \$\_\_\_\_\_ is enclosed.
- ☒ Please charge Deposit Account No. 23-1925 in the amount of \$200.00. A copy of this Transmittal is enclosed for this purpose.
- ☐ Payment by credit card in the amount of \$\_\_\_\_\_ (Form PTO-2038 is attached).
- ☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

Date

4/2/2007

Lisa M. Seaney, Ph.D. (Reg. No. 56,246)

BRINKS  
HOFER  
GILSON  
& LIONE

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Mail Stop Patent Ext  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

April 2, 2007

Date of Deposit

Lisa M. Seaney, Ph.D., Reg. No. 56,246

Name of applicant, assignee or  
Registered Representative

Signature \_\_\_\_\_

4/2/2004

Date of Signature

Our Case No. **7814/45**  
UCHI Ref. No. **901**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

**Milan Mrksich et al.**

**U.S. Patent No. 7,172,905**

**Issue Date : February 6, 2007**

**Serial No. 09/923,760**

**Filing Date: August 7, 2001**

Title: **POLYPEPTIDE IMMOBILIZATION**

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) Examiner: **Mary Ceperley**  
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) Group Art Unit No. **1641**  
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**REQUEST FOR RECONSIDERATION OF**  
**PATENT TERM ADJUSTMENT**  
**PURSUANT TO 37 C.F.R. § 1.705(d)**

Mail Stop Patent Ext  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

U.S. Patent No. 7,172,905 was issued on **February 6, 2007**. Pursuant to 35

U.S.C. § 154(b) the United States Patent and Trademark Office has calculated a patent

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term adjustment of **468** days. A copy of U.S. patent number **7,172,905** is included herewith as Exhibit A.

Applicant's Attorney believes that the patent term adjustment should be **533** days. For the reasons stated herein, reconsideration of this patent term adjustment is respectfully requested pursuant to 37 C.F.R. 1.705(d). Please charge the petition fee pursuant to 37 C.F.R. § 1.18(e) to Deposit Account No. 23-1925. Please charge any additional fee required or credit for any excess fee paid to Deposit Account No. 23-1925. A duplicate copy of this Petition is attached.

The patent term adjustment for U.S. patent number **7,172,905** was calculated by the U.S. Patent and Trademark Office based on activities and associated dates detailed in the Patent Application Information Retrieval (PAIR) system Patent Term Adjustment History, attached as Exhibit B. Applicant's Attorney believes that errors and/or omissions in the calculation and/or the PAIR system Patent Term Adjustment History may have resulted in an incorrect patent term adjustment for U.S. patent number **7,172,905** as described in detail below. Pursuant to 37 C.F.R §1.705(d), this request for reconsideration is being filed within two months of the issue date of the above-referenced patent. Note that U.S. patent number **7,172,905** is not subject to a terminal disclaimer.

Applicant disputes the calculation of delay for "Workflow - Drawings Finished" of December 4, 2006. The Patent and Trademark Office ascribed that applicant's delay for "Workflow - Drawings Finished" of December 4, 2006 was 65 days. However, no drawings or any other papers were filed on December 4, 2006. Therefore, applicant believes that the delay of 65 days attributed to the Applicant for "Workflow - Drawings Finished" of December 4, 2006 is incorrect.

**Total patent term adjustment**

For the present application, the total patent term adjustment pursuant to 37 C.F.R. § 1.703(f) is the period of adjustment pursuant to 37 C.F.R. § 1.703 reduced by any delay pursuant to 37 C.F.R. § 1.704. Thus, we believe that the patent term adjustment should be **913 days - 380 days = 533**, instead of the **468** days indicated on the issued patent number **7,172,905**.

It is respectfully asserted that the patent term adjustment determined by the U.S. Patent and Trademark Office for U.S. patent number **7,172,905** may not be correct. Accordingly, Applicant's Attorney respectfully requests the U.S. Patent and Trademark office to reconsider, and make revisions to the PAIR system Patent Term Adjustment History in view of the previous remarks. In addition, it is respectfully requested that the patent term adjustment be re-calculated by the U.S. Patent and Trademark Office in view of the above remarks. Office personnel are invited to contact Applicant's Attorney via telephone if such communication would be beneficial in fulfilling this request.

Respectfully submitted,



Lisa M. Seaney, Ph.D.  
Registration No. **56,246**  
Agent for Applicants

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09/923,760

## POLYPEPTIDE IMMOBILIZATION



Select New Case	Application Data	Transaction History	Image File Wrapper	Patent Term Adjustments	Continuity Data	Fees	Published Documents	Address & Attorney/Agent	Supplemental Content
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**Patent Term Adjustment**

Filing or 371(c) Date:	08-07-2001	USPTO Delay (PTO) Delay (days):	913
Issue Date of Patent:	02-06-2007	Three Years:	-
Pre-Issue Petitions (days):	+0	Applicant Delay (APPL) Delay (days):	445
Post-Issue Petitions (days):	+0	Total Patent Term Adjustment (days):	468
USPTO Adjustment (days):	+0	<a href="#">Explanation Of Calculations</a>	

**Patent Term Adjustment History**

Date	Contents Description	PTO(Days)	APPL(Days)
01-17-2007	PTA 36 Months	683	
02-06-2007	Patent Issue Date Used in PTA Calculation		
01-02-2007	Dispatch to FDC	↑	
12-20-2006	Application Is Considered Ready for Issue	↑	
12-13-2006	Issue Fee Payment Verified		2
12-04-2006	Workflow - Drawings Finished		65
12-13-2006	Issue Fee Payment Received		↑
09-29-2006	Sequence Forwarded to Pubs on Tape		↑
09-11-2006	Mail Notice of Allowance	156	
03-08-2006	Notice of Allowance Data Verification Completed	↑	
12-21-2005	Date Forwarded to Examiner	↑	
12-08-2005	Response after Non-Final Action		29
12-08-2005	Request for Extension of Time - Granted		↑
08-09-2005	Mail Non-Final Rejection		↑
08-05-2005	Non-Final Rejection		
05-19-2005	Affidavit(s) (Rule 131 or 132) or Exhibit(s) Received		
05-25-2005	Date Forwarded to Examiner		
05-19-2005	Response after Non-Final Action		91
05-19-2005	Request for Extension of Time - Granted		↑
03-04-2002	Reference capture on IDS		↑
04-28-2005	IFW TSS Processing by Tech Center Complete		↑
04-18-2005	Information Disclosure Statement (IDS) Filed		↑
02-22-2005	Mail Examiner Interview Summary (PTOL - 413)		↑
02-18-2005	Examiner Interview Summary Record (PTOL - 413)		↑
11-17-2004	Mail Non-Final Rejection		↑
11-15-2004	Non-Final Rejection		
09-08-2004	Date Forwarded to Examiner		
07-20-2004	Response after Non-Final Action		97
07-20-2004	Request for Extension of Time - Granted		↑
07-20-2004	Workflow incoming amendment IFW		↑
01-14-2004	Mail Non-Final Rejection		↑
01-13-2004	Non-Final Rejection		

11-12-2003	Date Forwarded to Examiner	
10-31-2003	Response after Non-Final Action	64
10-31-2003	Request for Extension of Time - Granted	↑
05-28-2003	Mail Non-Final Rejection	↑
05-28-2003	Non-Final Rejection	
05-28-2003	Case Docketed to Examiner in GAU	
04-14-2003	Information Disclosure Statement (IDS) Filed	25
03-26-2003	Date Forwarded to Examiner	↑
03-20-2003	Response to Election / Restriction Filed	↑
03-20-2003	Request for Extension of Time - Granted	
12-20-2002	Mail Restriction Requirement	74
12-19-2002	Requirement for Restriction / Election	↑
03-04-2002	Information Disclosure Statement (IDS) Filed	↑
07-18-2002	Case Docketed to Examiner in GAU	↑
06-13-2002	Application Dispatched from OIPE	↑
06-12-2002	Application Is Now Complete	↑
02-28-2002	Payment of additional filing fee/Preexam	72
02-28-2002	A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applic	↑
09-18-2001	Notice Mailed--Application Incomplete--Filing Date Assigned	↑
09-18-2001	Correspondence Address Change	
09-12-2001	CRF Is Good Technically / Entered into Database	
08-15-2001	IFW Scan & PACR Auto Security Review	
08-07-2001	CRF Disk Has Been Received by Preexam / Group / PCT	
08-07-2001	Initial Exam Team nn	

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*If you need help:*

- *Call the Patent Electronic Business Center at (866) 217-9197 (toll free) or e-mail [EBC@uspto.gov](mailto:EBC@uspto.gov) for specific questions about Patent Application Information Retrieval (PAIR).*
- *Send general questions about USPTO programs to the [USPTO Contact Center \(UCC\)](#).*
- *If you experience technical difficulties or problems with this application, please report them via e-mail to [Electronic Business Support](#) or call 1 800-786-9199.*